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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,100	10/21/2002	Martin Philip Usher	11696.0054	1690

7590 09/27/2005

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EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,100

Applicant(s)

USHER ET AL.

Examiner

Kiet Doan

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE 07/22/05.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 17 and 18 is/are allowed.
6) ☒ Claim(s) 9, 10, 12, 13, 15-16 is/are rejected.
7) ☒ Claim(s) 11-14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This office action is response to RCE file on 07/22/2005.

Claims 17-18 are new.

The previous FINAL office action was mail on 06/10/2005. That claims 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The objection is staying in the instant office action.

Allowable Subject Matter

Claims 17 and 18 are allowed

The following is an examiner's statement of reasons for allowance:

The prior art record, Usher et al. (Pub. No. 2002/0045444) teaches a method for facilitating telephone traffic between a fixed cellular network and a movable network aboard a vehicle (Fig.1, Illustrate No.2 as fixed cellular network and No.1 as movable network), comprising: configuring a ground-based host node to forward incoming calls from the fixed cellular network to a user through the moveable network, and to forward outgoing calls from the user (Paragraphs [0021-0026]), said

suspending, in response to a control signal, forwarding incoming calls to the user; wherein said suspending forwarding incoming calls does not disconnect a call in progress between the user and the fixed network (Abstract, L3-13, Paragraphs [0010], teach system controlling telephone system which suspending operation and transmit to fixed network means as forwarding incoming calls does not disconnect a call in progress between the user and the fixed network).

However, the prior art record consider Usher et al. or combination, **fails to suggest or fairly teach** configuring comprising modifying user cellular divert on busy instructions to the device aboard the vehicle and setting a status of the user's cellular telephone to busy regardless of the actual operating state of the user's cellular telephone as substantially connected and specific details in combination as particularly recited in claim 18.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 9-10, 12-13, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Usher et al. (Pub.No. 2002/0045444).

Consider **claims 9, 13 and 16**, Usher (**Pub. No. 2002/0045444**) teaches a method for facilitating telephone traffic between a fixed cellular network and a movable network aboard a vehicle (Abstract, L1-3, Paragraph [0019], Fig.1, Illustrate fixed cellular network as No.2 and movable network as No.1), comprising: configuring a ground-based host node to forward incoming calls from the fixed cellular network to the a user through the moveable network, and to forward outgoing calls from the user (Paragraphs [0021-0026], Fig.1 teach communication between ground base as No.2

and moveable network as No.1); suspending, in response to a control signal, forwarding incoming calls to the user; wherein said suspending forwarding incoming calls does not disconnect a call in progress between the user and the fixed network (Abstract, L3-13, Paragraphs [0010], teach system controlling telephone system which suspending operation and transmit to fixed network means as forwarding incoming calls does not disconnect a call in progress between the user and the fixed network).

Consider **claim 10**, Usher (Pub. No. 2002/0045444) teaches the method wherein said configuring comprises registering routing information for a telecommunications device associated with the user aboard the vehicle (Paragraph [0008] [0031-0032]).

Consider **claim 12 and 15**, Usher (Pub. No. 2002/0045444) teaches the method wherein said suspending incoming calls comprise de-registering the routing information (Paragraphs [0007-0008] teach aircraft system shut down/switch off which means as de-registering).

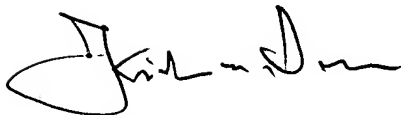
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan
Patent Examiner



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